

REMARKS/ARGUMENTS

The Office Action mailed January 25, 2006, rejected claims 1-5, 7-9, 11, 13-19 and 21; and objected to claims 6, 10, 12, 20 and 22-31. By this amendment, Applicants amend claims 1, 9, 12-16, 18 and 20-31; cancel claims 6-8 and 10-11; and add new claims 32-36. Support for the amendments is found in the specification, and no new matter is added. As such, claims 1-5, 9 and 12-36 remain pending in the application.

Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references. In view of the following remarks, reconsideration and withdrawal of the outstanding objections and rejections are respectfully requested.

ALLOWABLE SUBJECT MATTER

Applicant wishes to thank the Examiner for his indication that claims 10, 12, 20 and 22-31 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Office Action further provided a statement of reasons for the indication of allowable subject matter.

In accordance with the statement of reasons for the indication of allowable subject matter, independent claim 1 has been amended to include the portion of the subject matter of claims 6-8 and 10 regarding the feature of selectively activatable vacuum cups, and is thus believed to be in condition for allowance. Applicants' claims 2-5, 9, 12 and 32-33 depend from independent claim 1, and thus are believed to be patentable over the cited art for at least the reasons that independent claim 1 is allowable.

In addition, in accordance with the statement of reasons for the indication of allowable subject matter, independent claim 18 has been amended to include the portion of the subject

matter of claim 20 regarding the steps of activating, monitoring and deactivating the drive mechanism, and is thus believed to be in condition for allowance. Applicants' claims 19, 20 and 35 depend from independent claim 18, and thus are believed to be patentable over the cited art for at least the reasons that independent claim 1 is allowable.

Furthermore, in accordance with the statement of reasons for the indication of allowable subject matter, independent claim 21 has been amended to include the portion of the subject matter of claim 22 regarding the feature of a sound source comprising a linear stroke piston that oscillates at a varying rate, and is thus believed to be in condition for allowance. Applicants' claims 22-31 and 36 depend from independent claim 21, and thus are believed to be patentable over the cited art for at least the reasons that independent claim 21 is allowable.

Therefore, at least for these reasons, Applicants respectfully request that the objections to claims 12, 20 and 22-31, and the rejections of claims 1-5, 9, 18, 19, and 21 be withdrawn. Applicants respectfully submit that these claims are allowable.

CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected claim 13 and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,838,670 to Lewis *et al.* (hereinafter referred to as "Lewis") in view of U.S. Patent No. 5,634,378 to Burkhardt *et al.* (hereinafter referred to as "Burkhardt") and further in view of German Patent No. DE 4221486 to Kröger (hereinafter referred to as "Kröger"). In addition, the Office Action rejected claims 14-15 under 35 U.S.C. 103(a) as being unpatentable over Lewis in view of Burkhardt and Kröger and further in view of U.S. Patent No. 4,304,133 to Feamster, III (hereinafter referred to as "Feamster").

Applicants' independent claim 13 has been amended to include additional subject matter similar to the allowable subject matter of claim 21, and is thus believed to be in condition for allowance. Applicants' claims 14-17 and 34 depend from independent claim 13, and thus are

believed to be patentable over the cited art for at least the reasons that independent claim 13 is believed to be allowable.

Therefore, at least for these reasons, Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) of claims 13 and 16-17 as being unpatentable over Lewis in view of Burkhardt and further in view of Kröger, and of claims 14-15 as being unpatentable over Lewis in view of Burkhardt and Kröger and further in view of Feamster be withdrawn. In light of the amendments and these remarks, Applicant respectfully submits that all of the pending claims are allowable.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests all the objections and rejections to the claims be removed, and all of the pending claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1567 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

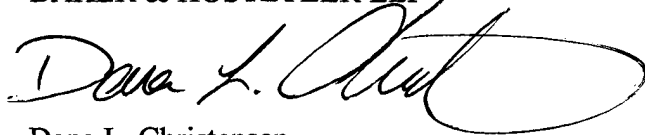
Docket No. 05165.1480
Serial No.: 10/776,623
Customer No. 30734

Patent

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Also, please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 05165.1480.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in black ink, appearing to read "Dana L. Christensen", with a large, stylized loop at the end.

Dana L. Christensen
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